

IN RE: PETITION FOR ZONING VARIANCE
NW/4 Beckleysville Rd., 700 ft.
SW of c/l Spook Hill Road
2624 Beckleysville Road
6th Election District
3rd Councilmanic District
Marshall A. Whipperman, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-206-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 2624 Beckleysville Road, near Freeland, in the northern section of Baltimore County. Within the Petition, the property owners seek relief from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 36 ft., in lieu of the required 50 ft. The relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Marshall A. and Mildred S. Whipperman, the Petitioners and property owners, appeared and testified. Also appearing on behalf of the Petition was Bryan Whipperman, the son of the property owners and the owner/resident of the dwelling for which relief was sought. Also appearing and testifying was A.L. Snyder, the surveyor who prepared the plat. There were no Protestants present.

Testimony and evidence presented was that the subject property is known as lot No. 1 and is 3.05534 acres (+/-) in area. The lot is part of a larger tract which is owned by Marshall A. and Mildred S. Whipperman. Originally, the entire tract was approximately 38 acres. In the mid 1960s, the property owners subdivided their property so as to create a tract now owned by Joseph W. and Brenda L. Blevins. This subdivision was

before the adoption of R.C. zoning in Baltimore County. Currently, the Petitioners propose to subdivide the entire property again so as to create the subject lot. This lot will then be transferred to their son, Bryan Whipperman, for use of same as his residence.

Further testimony and evidence presented was that lot No. 1 is presently improved with a one-story modular house and several small sheds/outbuildings. Because the house is located approximately 36 ft. from the side property line, the subject variance is necessary. It is to be noted that the variances needed only to legitimize an existing situation. That is, the house occupied by the younger Mr. Whipperman has been at the present location for many years.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. See McLean v. Soley, 270 Md. 208 (1973).

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 B.C.Z.R. and the case law. Therefore, the relief should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested for the existing improvements shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of February, 1993 that the Petition for Zoning Variance from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 36 ft., in lieu of the required 50 ft., in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

February 4, 1993

(410) 887-4396

Mr. and Mrs. Marshall A. Whipperman
2624 Beckleysville Road
Freeland, Maryland 21053

RE: PETITION FOR ZONING VARIANCE
(2624 Beckleysville Road)
Case No. 93-206-A

Dear Mr. and Mrs. Whipperman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

ORDER RECEIVED FOR FILING
Date 2/8/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 2/8/93
By [Signature]

- 2 -

- 3 -

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 2624 Beckleysville Road
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A03.4 B.4 TO PERMIT A SIDE YARD SETBACK OF 36' IN LIEU OF THE REQUIRED 50' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Phone No.

Legal Owner(s)
(Type or Print Name)
Signature
Address
City State Zipcode
Phone No.

2624 Beckleysville Rd. (410) 357-5391
Freeland, Maryland 21053
Marshall A. Whipperman
2624 Beckleysville Rd. (410) 357-5391

ESTIMATED LENGTH OF HEARING
The following date is available for hearing
ALL OTHER
REVIEWED BY: [Signature] DATE: 2-2-93

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695

Description to Accompany Zoning Petition
2624 Beckleysville Road
November 19, 1992

Beginning for the same on the northwest side of the centerline of Beckleysville Road 700 feet southwest of Spook Hill Road, and running thence,
1.) S 59° 35' 52" W 206.98 feet,
2.) N 51° 00' 01" W 515.00 feet,
3.) N 67° 58' 18" E 269.61 feet,
4.) N 89° 00' 00" E 170.00 feet,
5.) S 28° 32' 31" E 100.00 feet,
6.) S 59° 47' 29" W 15.00 feet,
7.) S 28° 32' 31" E 259.60 feet to the place of beginning.

Containing 3.05534 Acres of land, more or less.

Being a part of that parcel of land recorded in deed, Liber R.R.G. 4185 folio 298 etc.

#214

MEMBER Md Soc of Surveyors • W Va Assoc of Land Surveyors • A.C.S.M.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6th
Posted for: Variance
Petitioner: Marshall A. Whipperman
Location of property: NW/4 Beckleysville Rd., (2624) 700'
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/14, 1993

THE JEFFERSONIAN,

Publisher

Baltimore County
Zoning Administration &
Development Management
311 West Chesapeake Avenue
Towson, Maryland 21204

receipt

12/18/92
PUBLIC HEARING FEES
010 - ZONING VARIANCE (CIP)
LAST NAME OF OWNER: WHIPPERMAN

Account: R-001-6180
Number
IF:000214
PRICE
\$50.00
TOTAL: \$50.00

03A030280M1CHRC
B0 C012:43PM12-21-92

\$50.00

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
311 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6180
Number
IF:000214
PRICE
\$50.00
TOTAL: \$50.00

93-206
(2-2)

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 1/25/93

Marshall and Mildred Whippman
2624 Beckleyville Road
Freeland, Maryland 21053

RE: CASE NUMBER: 93-206-A (Item 214)
2624 Beckleyville Road, 700' SW of c/l Spook Hill Road
2624 Beckleyville Road
6th Election District - 3rd Councilmanic
Petitioner(s): Marshall A. Whippman and Mildred S. Whippman
HEARING: TUESDAY, FEBRUARY 2, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$66.13 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

Rec'd on 1/25/93
per
Petitioner
JWS

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

JAN 11 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-206-A (Item 214)
2624 Beckleyville Road, 700' SW of c/l Spook Hill Road
2624 Beckleyville Road
6th Election District - 3rd Councilmanic
Petitioner(s): Marshall A. Whippman and Mildred S. Whippman
HEARING: TUESDAY, FEBRUARY 2, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a side yard setback of 36 feet in lieu of the required 50 feet.

Arnold Jablon
DIRECTOR

cc: Marshall and Mildred Whippman

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

January 19, 1993 (410) 887-3353

Mr. and Mrs. Marshall A. Whippman
2624 Beckleyville Road
Freeland, MD 21053

RE: Case No. 93-206-A, Item No. 214
Petitioner: Marshall A. Whippman, et ux
Petition for Variance

Dear Mr. and Mrs. Whippman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 21st day of December 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richman
Chairman,
Zoning Plans Advisory Committee

Petitioner: Marshall A. Whippman, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services) 01/11/93
Development Review Committee Response Form
Authorized signature: *Francis Morsey* Date: 1/11/93

Project Name	Waiver Number	Zoning Issue	Meeting Date
J.F.O. Holding Corporation	213	1-04-93	NC
DEPRM RP STP TE			
Marshall and Mildred Whippman	214		NC
DEPRM RP STP TE			
Eudowood Holding Corporation	215		NC
DEPRM RP STP TE			
Joseph K. And Alva A. Pokorny	216		NC
DEPRM RP STP TE			
Pikesville Partnership	217		NC
DEPRM RP STP TE			
COUNT 5			
Wyaness Associates Limited Partnership	208	12-28-92	Comment
DEPRM RP STP			
Pickersgill, Inc.	212		NC
DEPRM RP STP TE			
COUNT 2			
Stonegate at Patapsco (Azreal Property)		6-1-92	
90476 ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
FINAL TOTALS			
COUNT 8			
*** END OF REPORT ***			

93-206-A 2-2-93

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 12, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee
(January 11, 1993)

The Office of Planning and Zoning has no comments on the following petition(s):

Marshall and Mildred Whippman, Item No. 214
Tyler and Loretta Anderson, Item No. 218
William and Jeanette Clark, Item No. 221
William and Jeanette Clark, Item No. 222

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: _____

PK/FM:rdn

214.ZAC/ZAC1

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-4-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 4 214 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestable, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
787 North Calvert St., Baltimore, Maryland 21203-0717

Department of Environmental Protection & Resource Management 01/19/93
Development Review Committee Response Form
Authorized signature: *W. Carl Richman* Date: 1/20/93

Project Name	Waiver Number	Zoning Issue	Meeting Date
J.F.O. Holding Corporation	213	1-04-93	
DEPRM RP STP			Written comments
Marshall and Mildred Whippman	214		No comments
DEPRM RP STP			
Joseph K. And Alva A. Pokorny	216		In process
DEPRM RP STP			
COUNT 3			
William F. And Jeanette R. Clark	221	1-11-93	No comments
DEPRM RP STP TE			
COUNT 1			
Tyler B. and Loretta M. Anderson	218	1-11-93	No comments
DEPRM RP STP TE			
Worthington Place L.P.	219		In process
DEPRM RP STP TE			
AAI Corporation	220		No comments
DEPRM RP STP TE			
William F. and Jeanette R. Clark	222		No comments
DEPRM RP STP TE			
John F. Moore	223		In process
DEPRM RP STP TE			
COUNT 5			
Charles A. Waagandt	203	12-28-92	In process
DEPRM RP			

700 East Joppa Road Suite 901
Towson, MD 21286-5500

JANUARY 12, 1993

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MARSHALL A. WHIPPERMAN AND MILDRED S. WHIPPERMAN

Location: #2624 BECKLEYVILLE ROAD

Item No.: 214 (JCM) Zoning Agenda: JANUARY 4, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry R. Riser Noted and Approved JP
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Rec'd 1/13/93

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

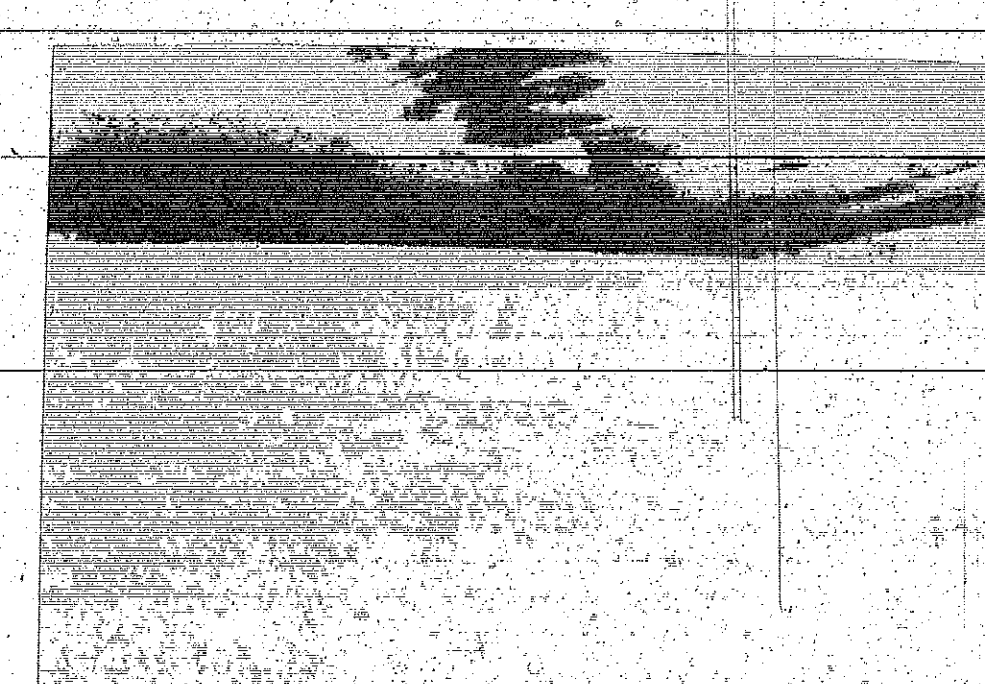
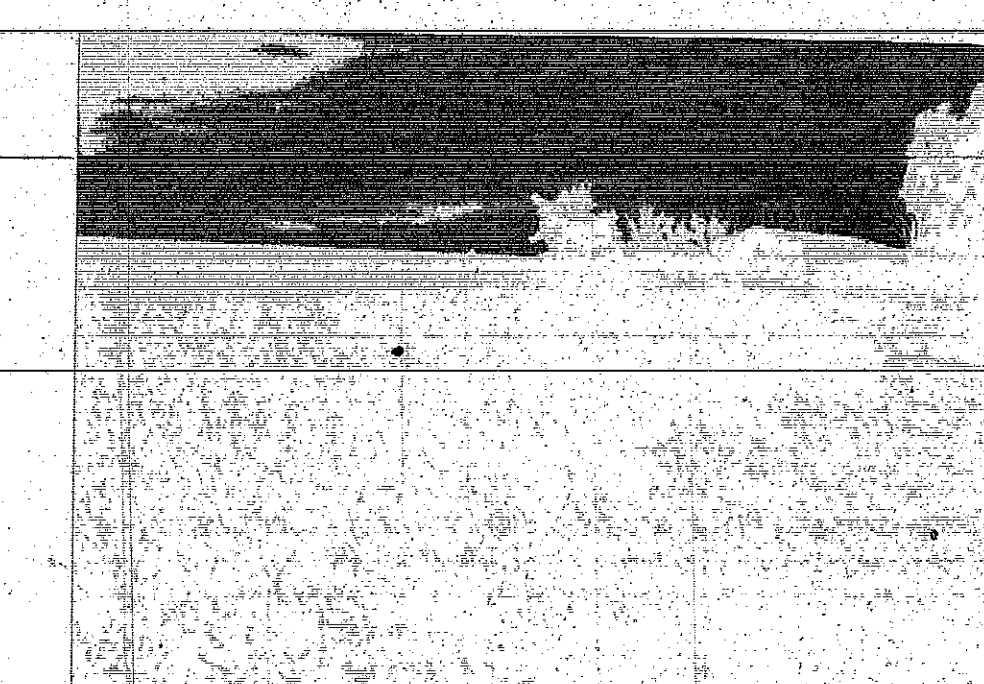
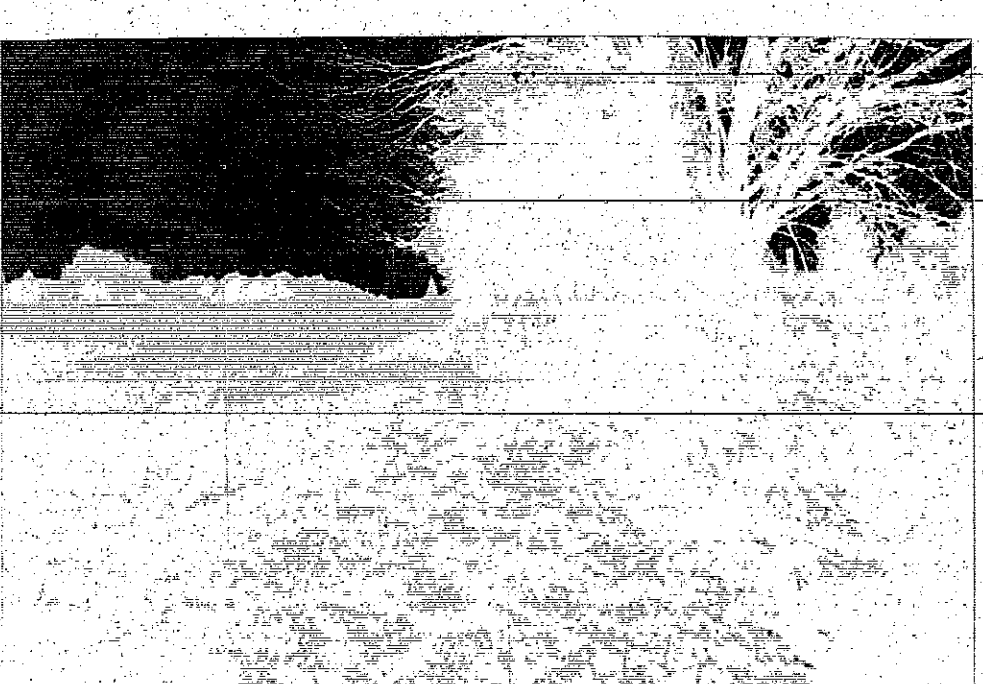
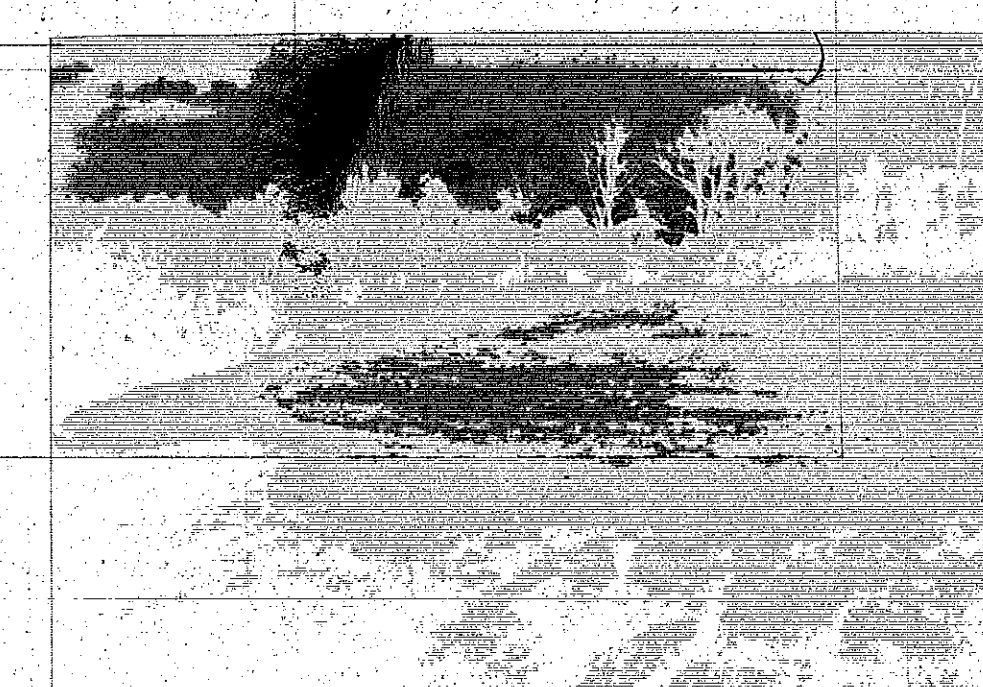
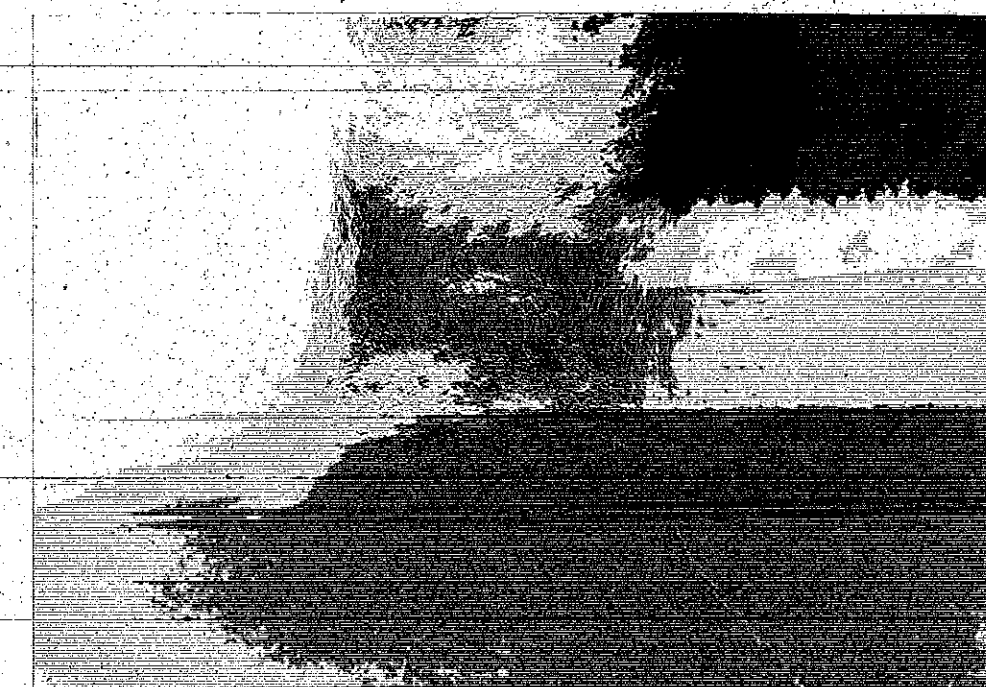
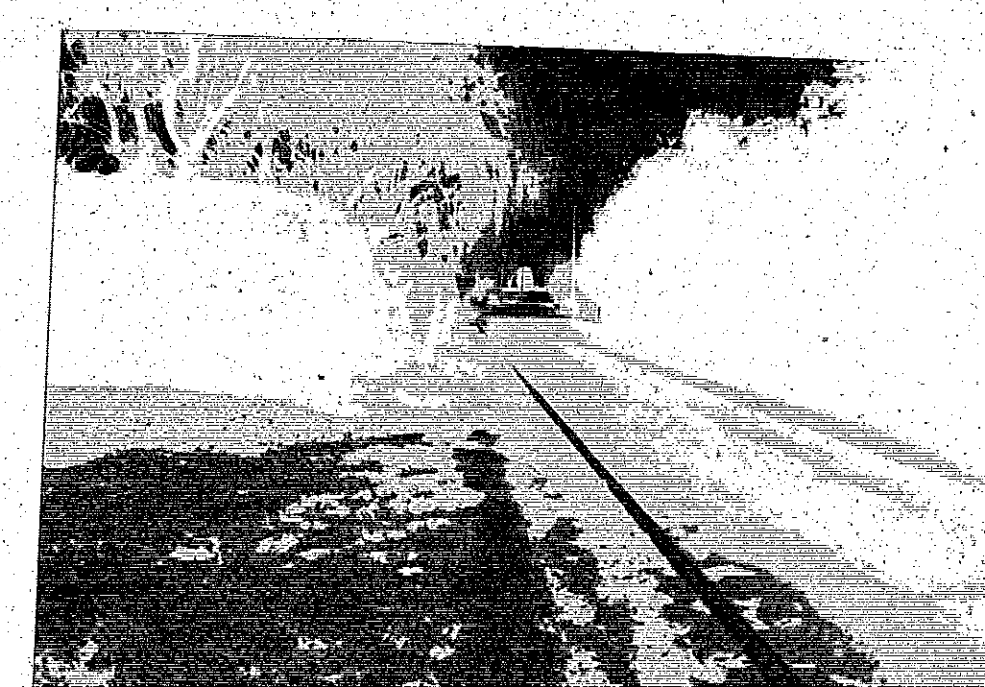
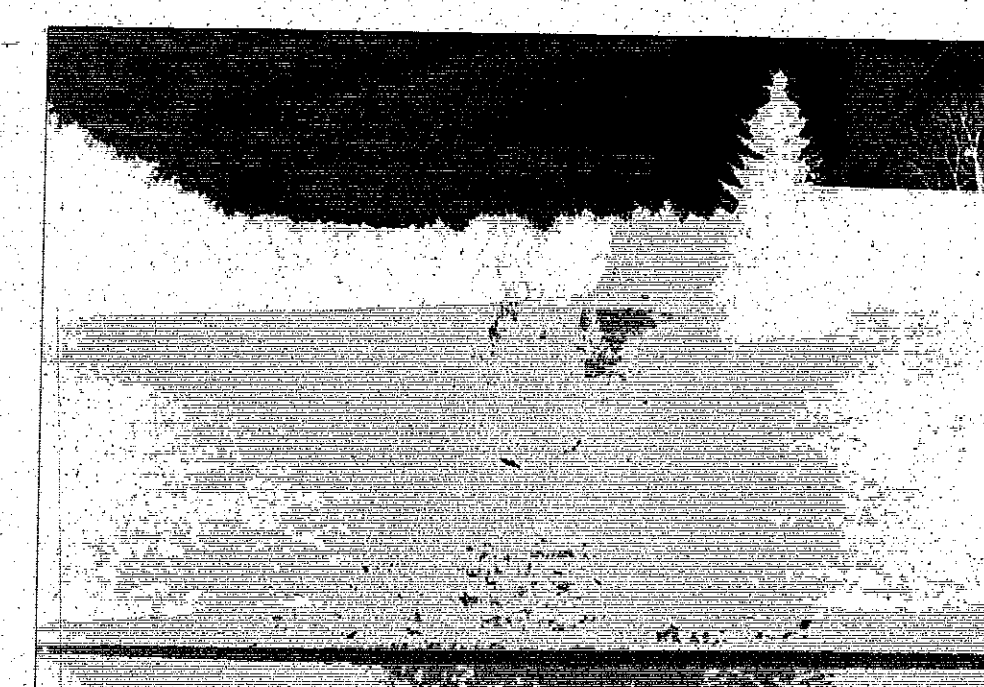
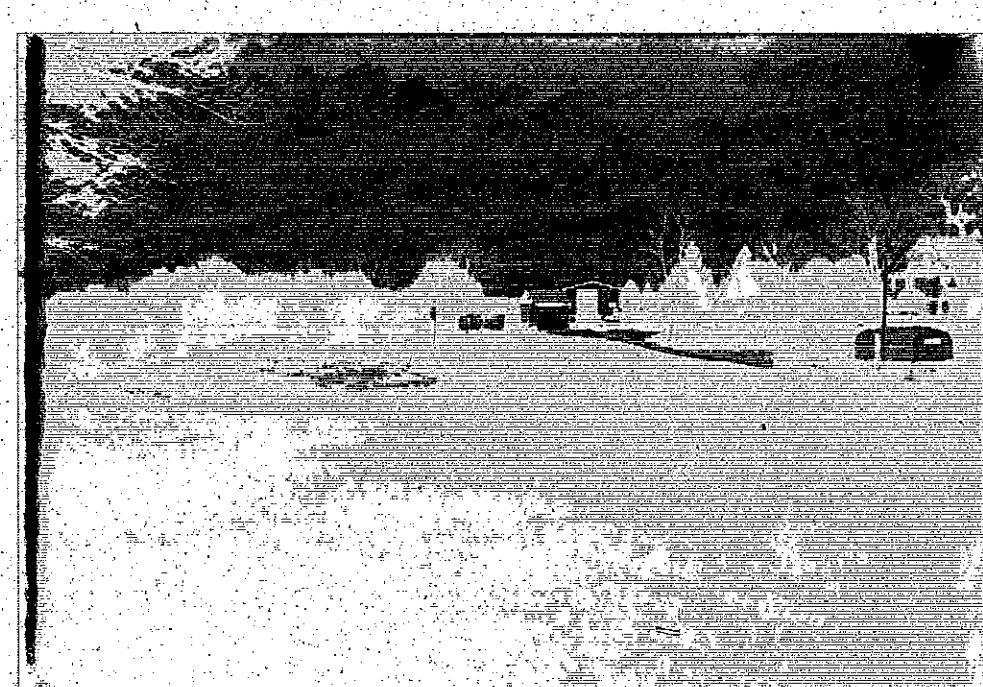
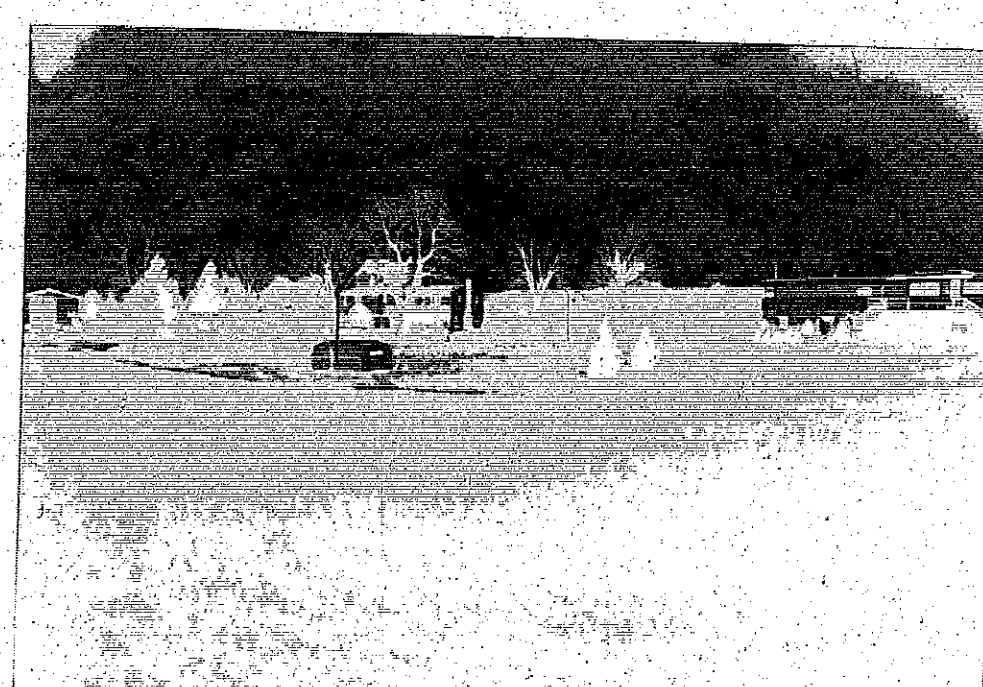
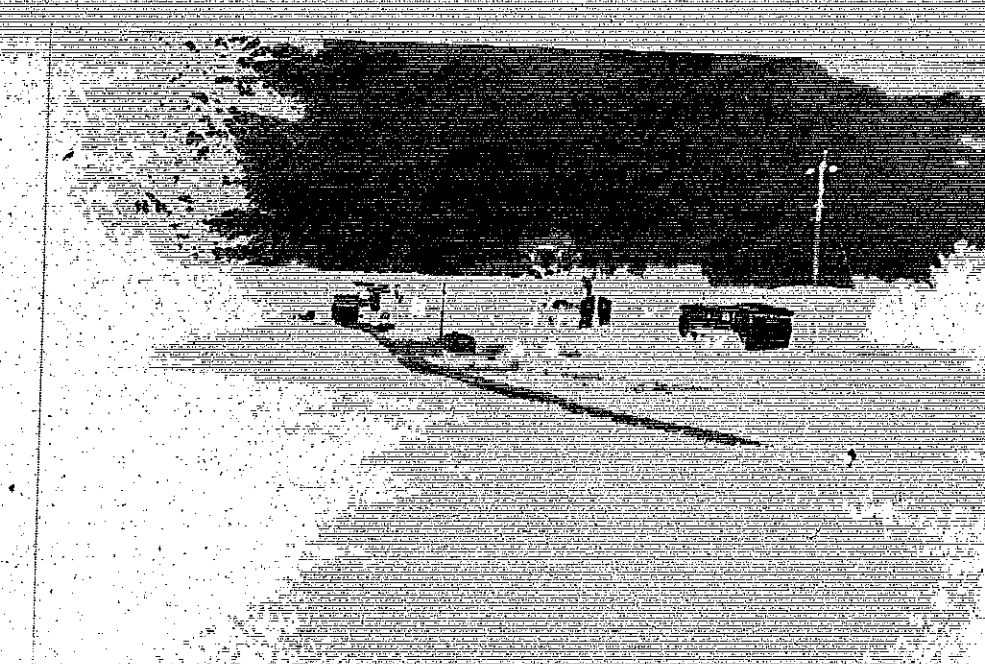
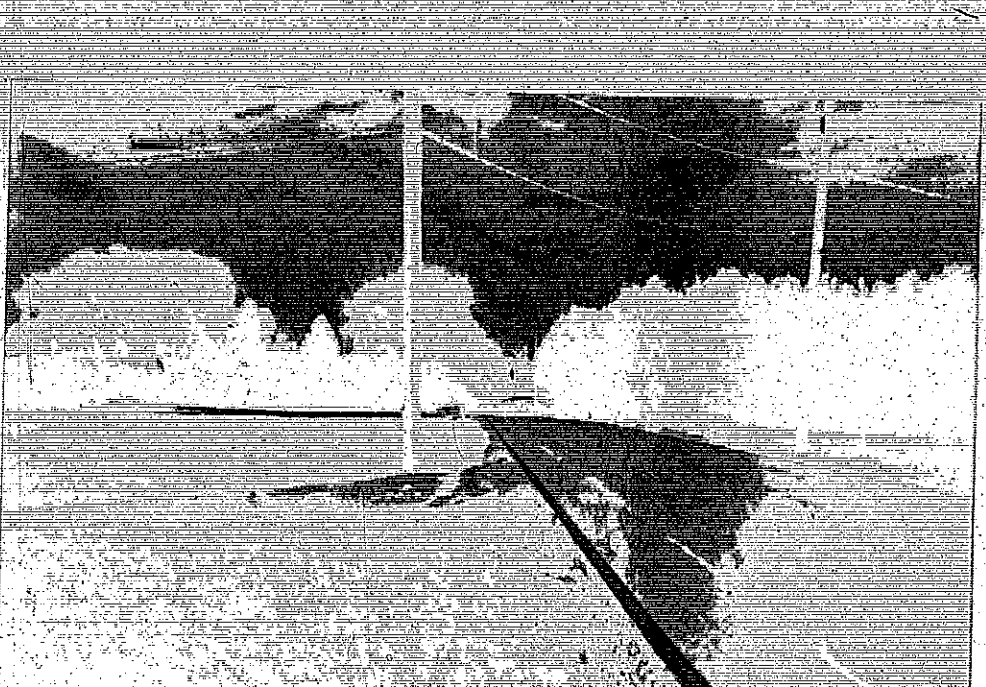
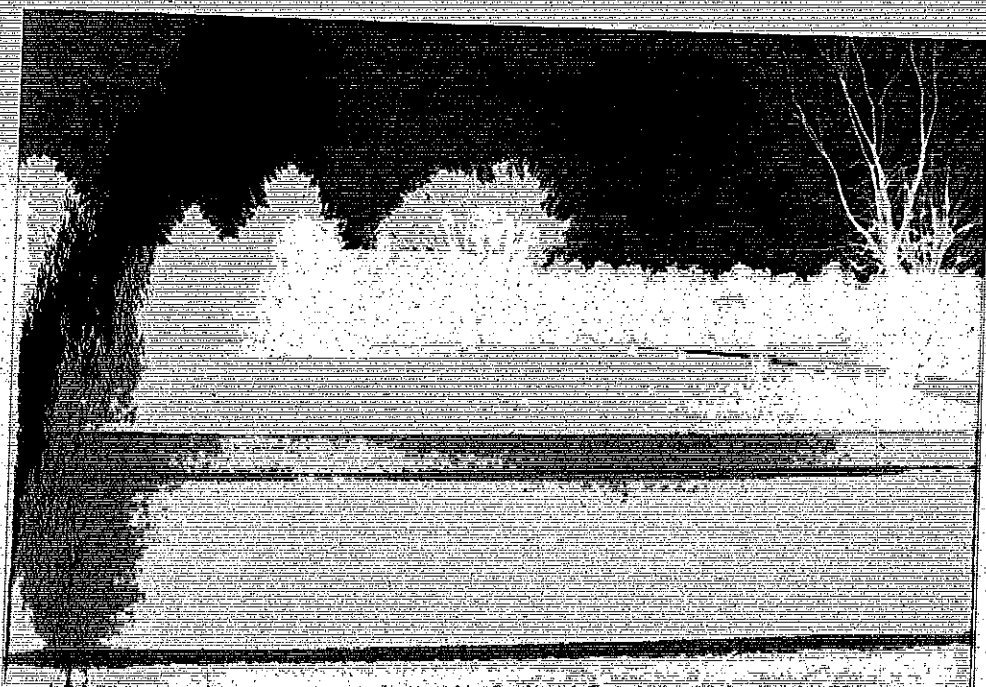
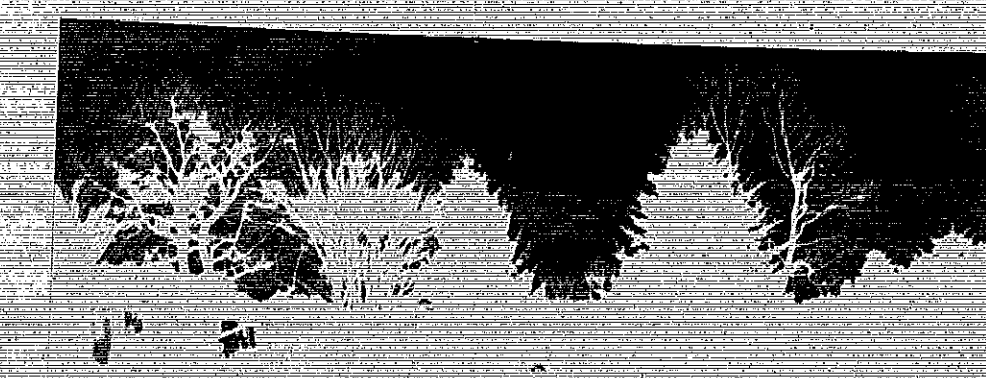
NAME

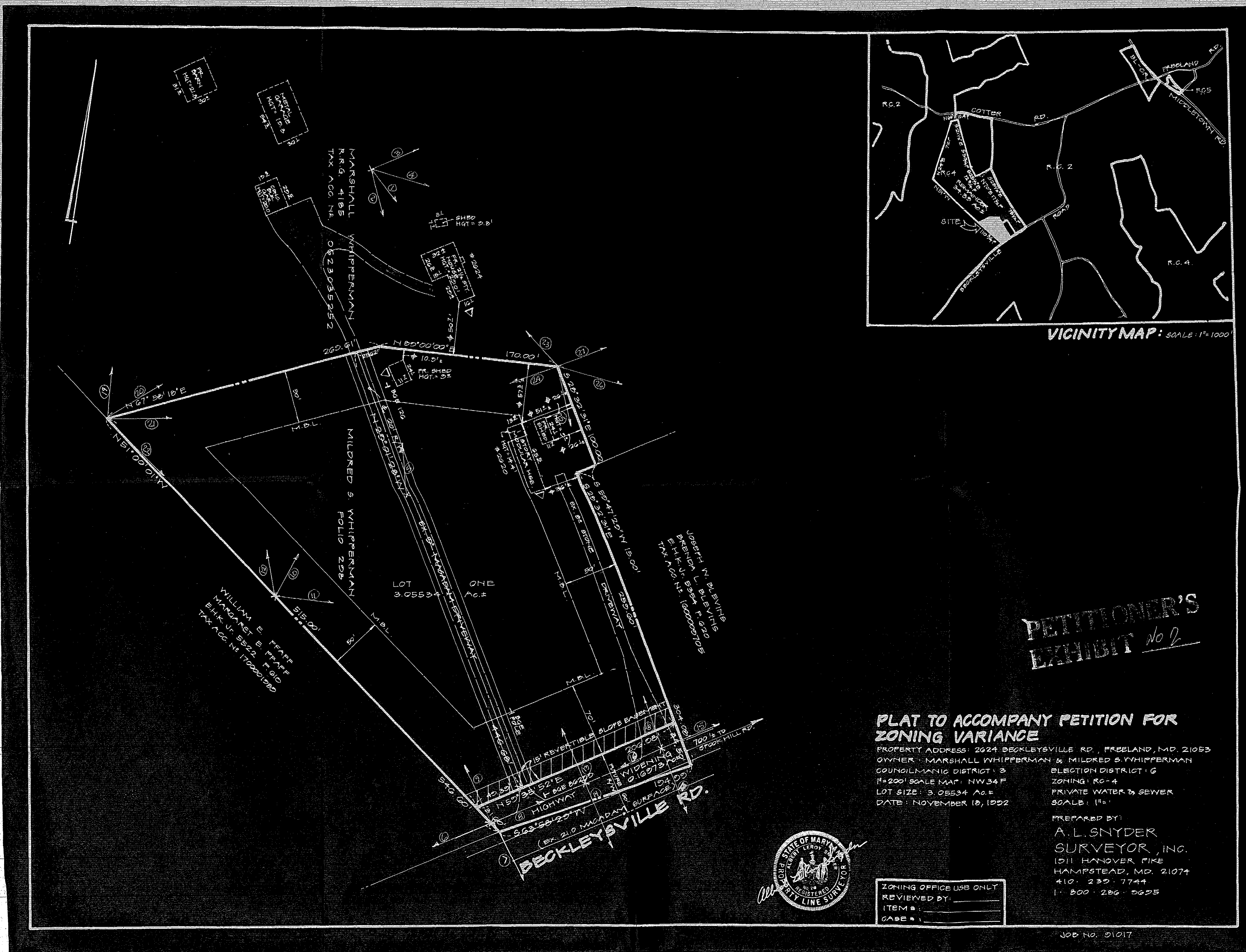
C. L. Whipple
Mildred Whippleman
Marshall Whippleman
Byron Whippleman

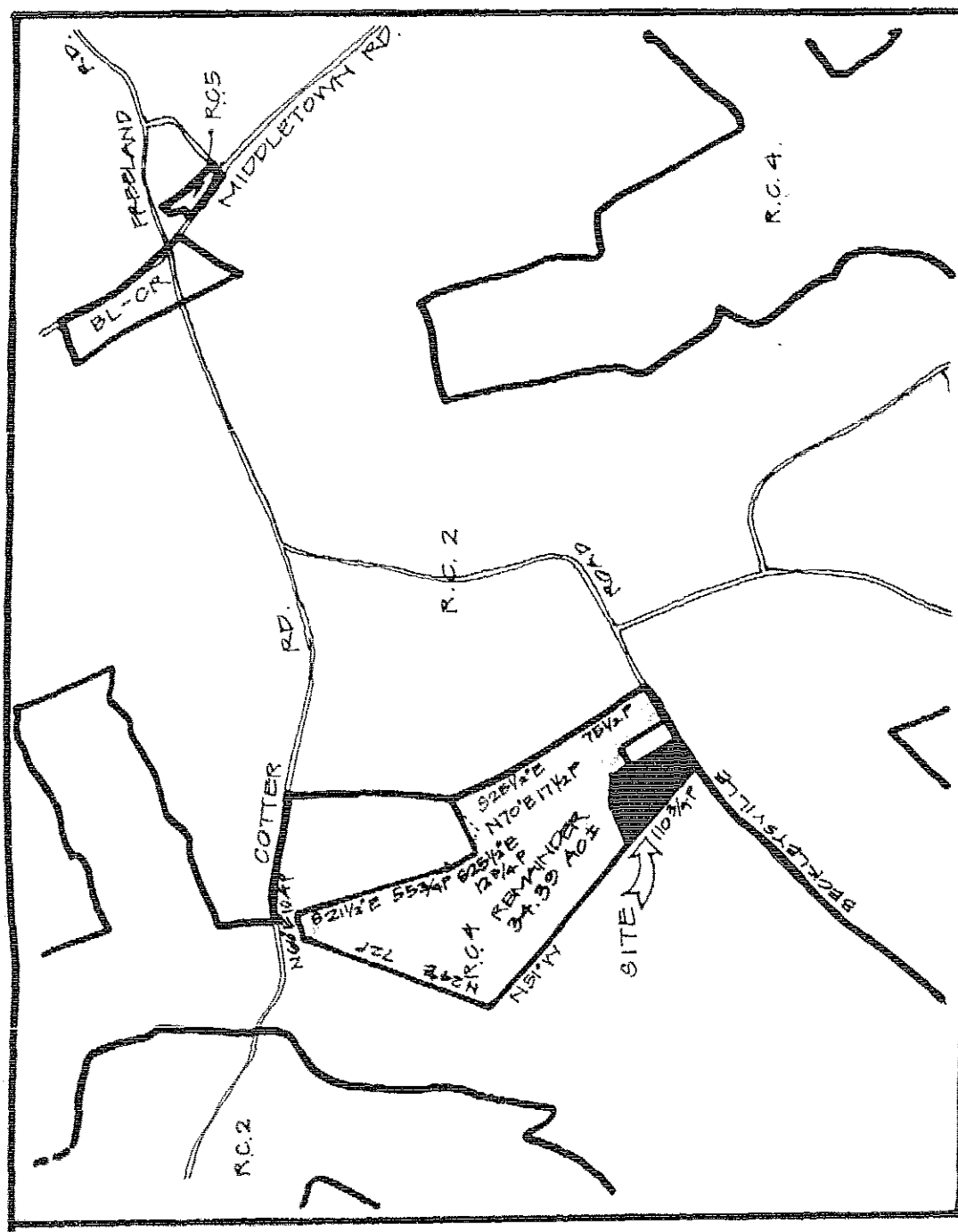
ADDRESS

1011 Harwood Pike, Hampstead, Md. 21074
2624 Beckleyville Rd. Towson, Md. 21286
21253
2624 Beckleyville Rd. Towson, Md. 21253

PHOTOS





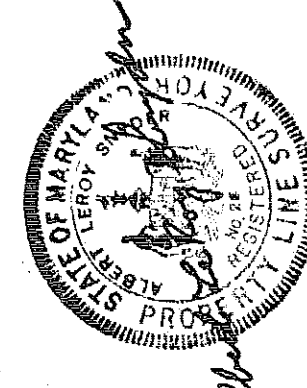


VICINITY MAP: SCALE 1"=1000'

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

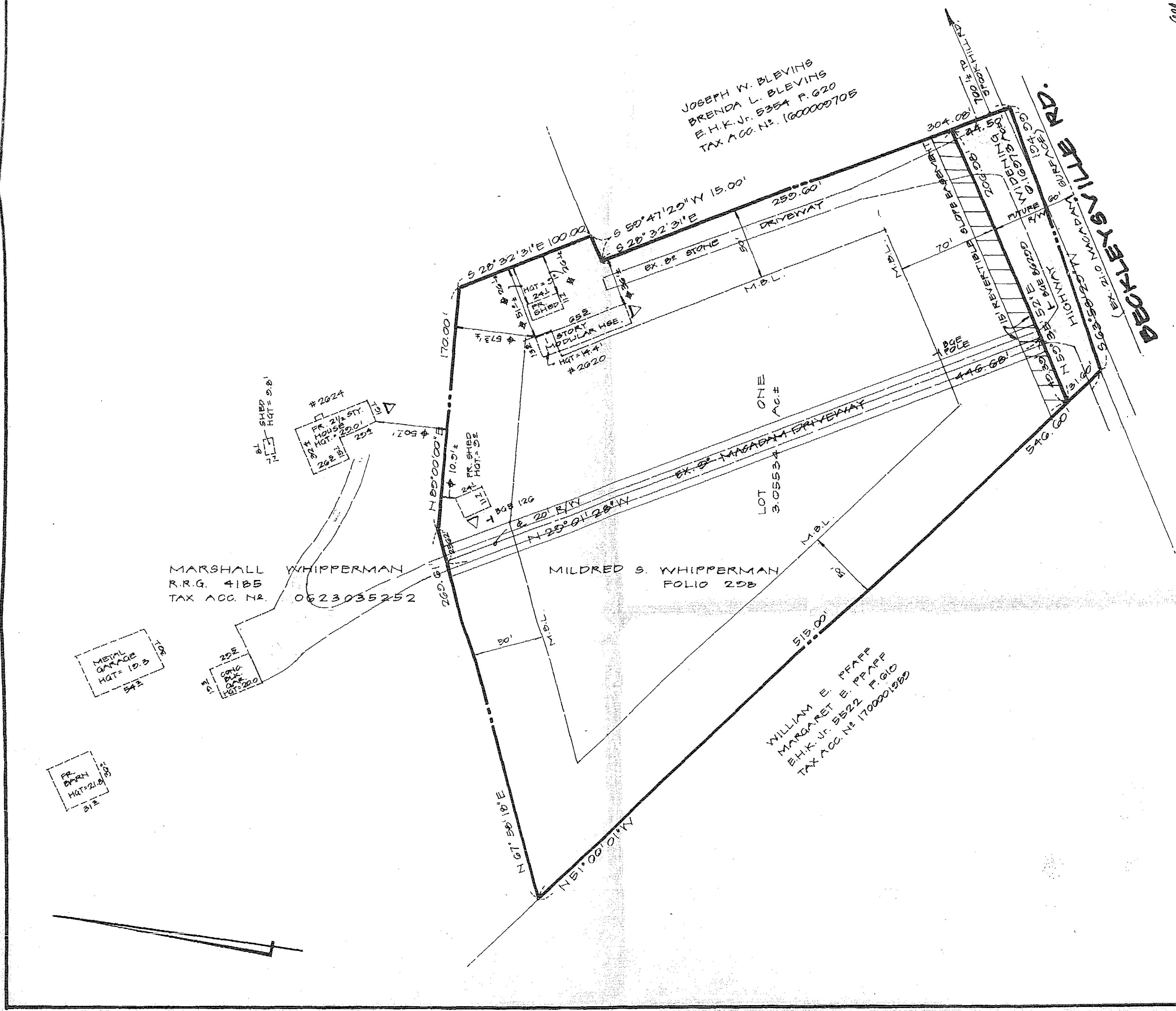
PROPERTY ADDRESS: 2624 BECKLEYVILLE RD., FREELAND, MD 21063
OWNER: MARSHALL WHIPPERMAN & MILDRED S. WHIPPERMAN
COUNCILMAN'S DISTRICT: 3
1"=200' SCALE MAP: NW 34 F
LOT SIZE: 3.05834 AC±
DATE: NOVEMBER 19, 1992

PREPARED BY:
A.L. SNYDER
SURVEYOR, INC.
 1511 HANOVER PIKE
 HANFORD, MD 21074
 410.233.7744
 1"=300' 256' 5625



ZONING OFFICE USE ONLY
 REVIEWED BY: _____
 ITEM # _____
 CASE # _____

JOB NO. 21017



PETITIONER'S EXHIBIT No. 3

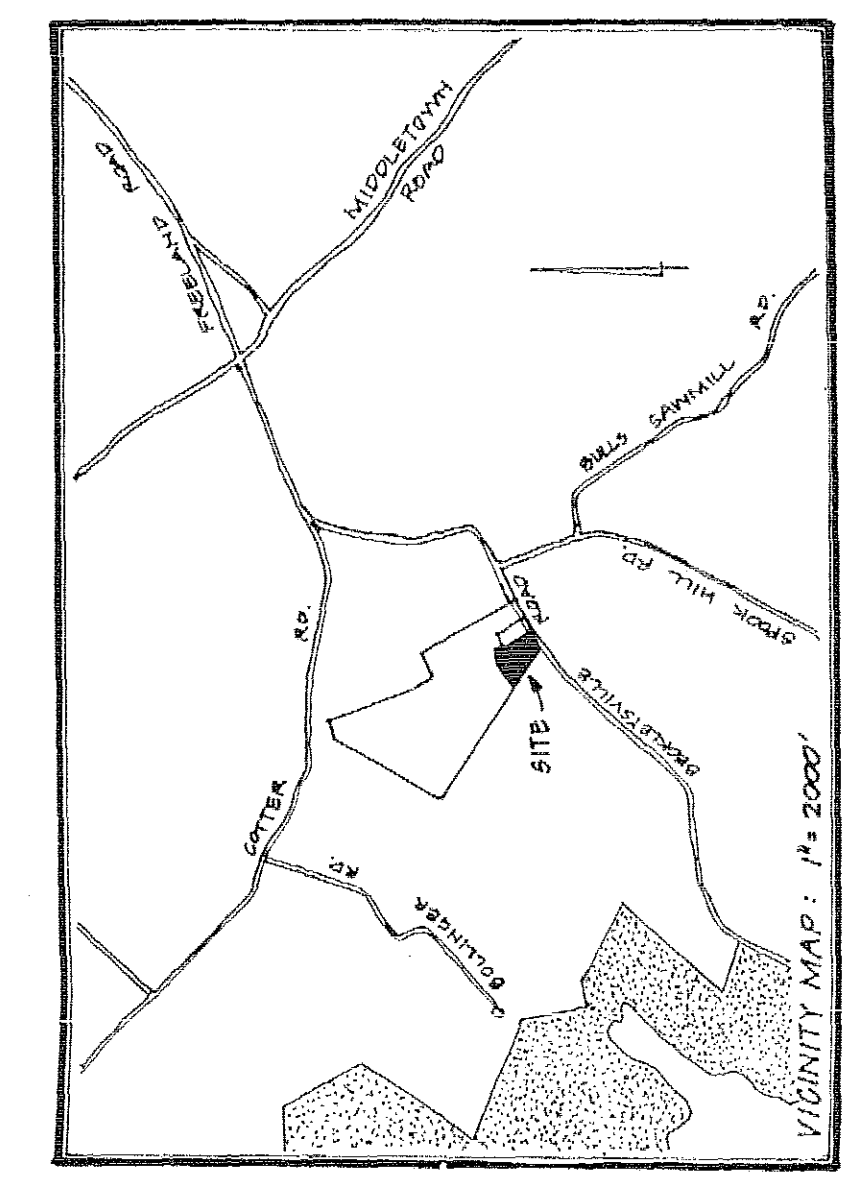
COORDINATES CHART - ASSUMED DATA

NO.	NORTH	EAST	NO.	NORTH	EAST
11	5027.7832	5107.3182	208	5102.541	5182.4870
12	4997.8731	4962.2635	209	5343.3340	5031.3453
202	4582.3022	4996.4723	210	5430.3808	4993.5851
204	5097.8473	5163.0010	211	5427.4130	4813.4110
205	5394.0568	5018.4023	212	5326.1291	4563.6853
207	5002.1344	4903.5166			

APPROVED FOR BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

DIRECTOR DATE

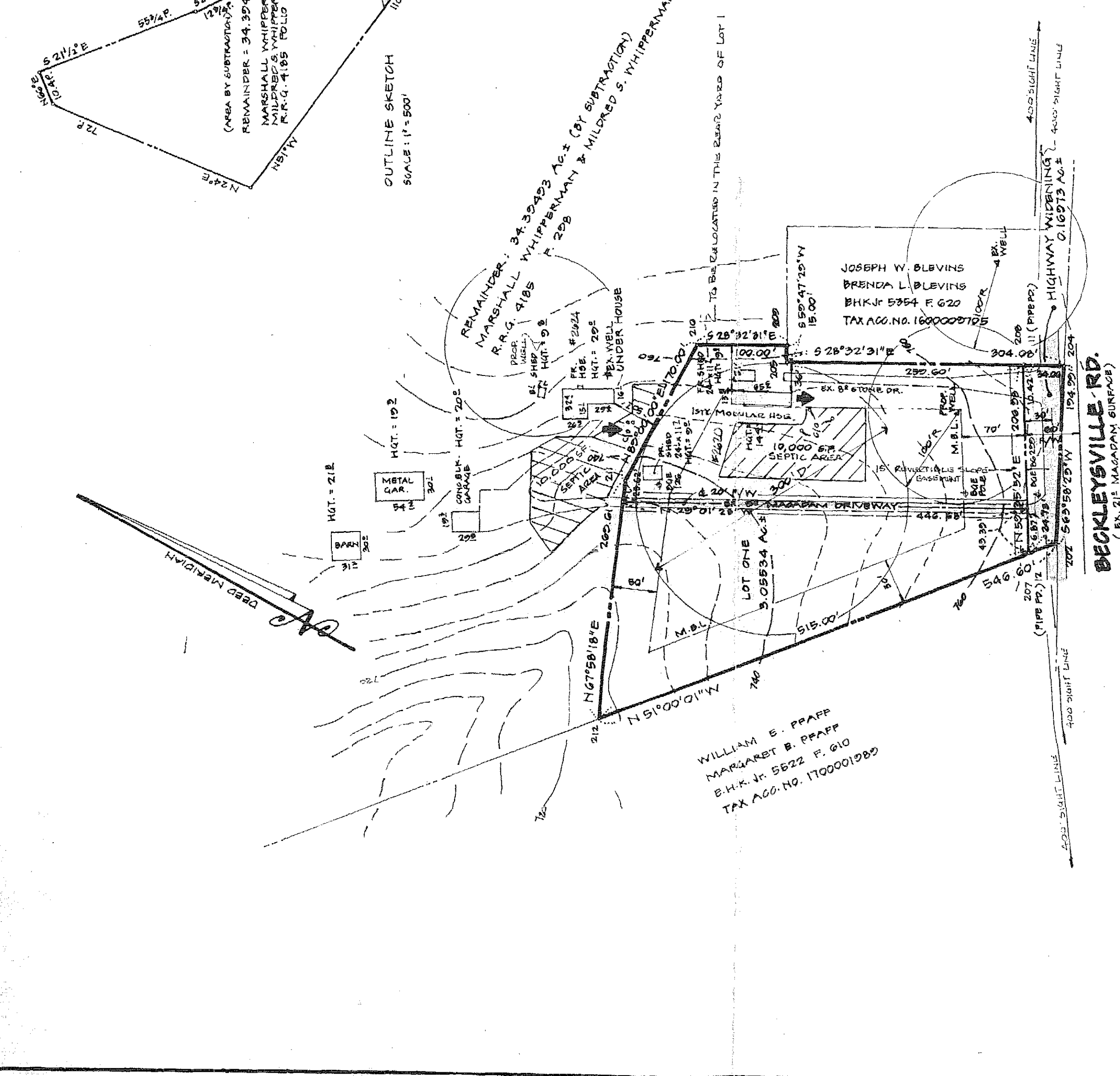
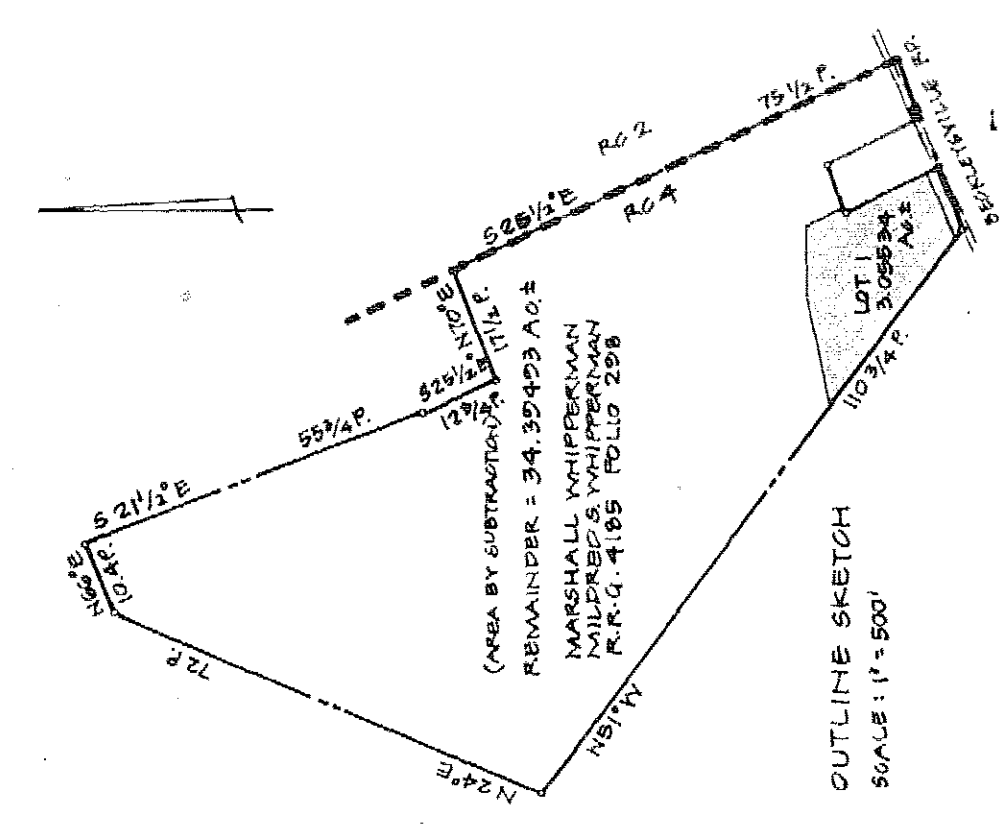
JOB NO. 21017



VICINITY MAP: 1"=2000'

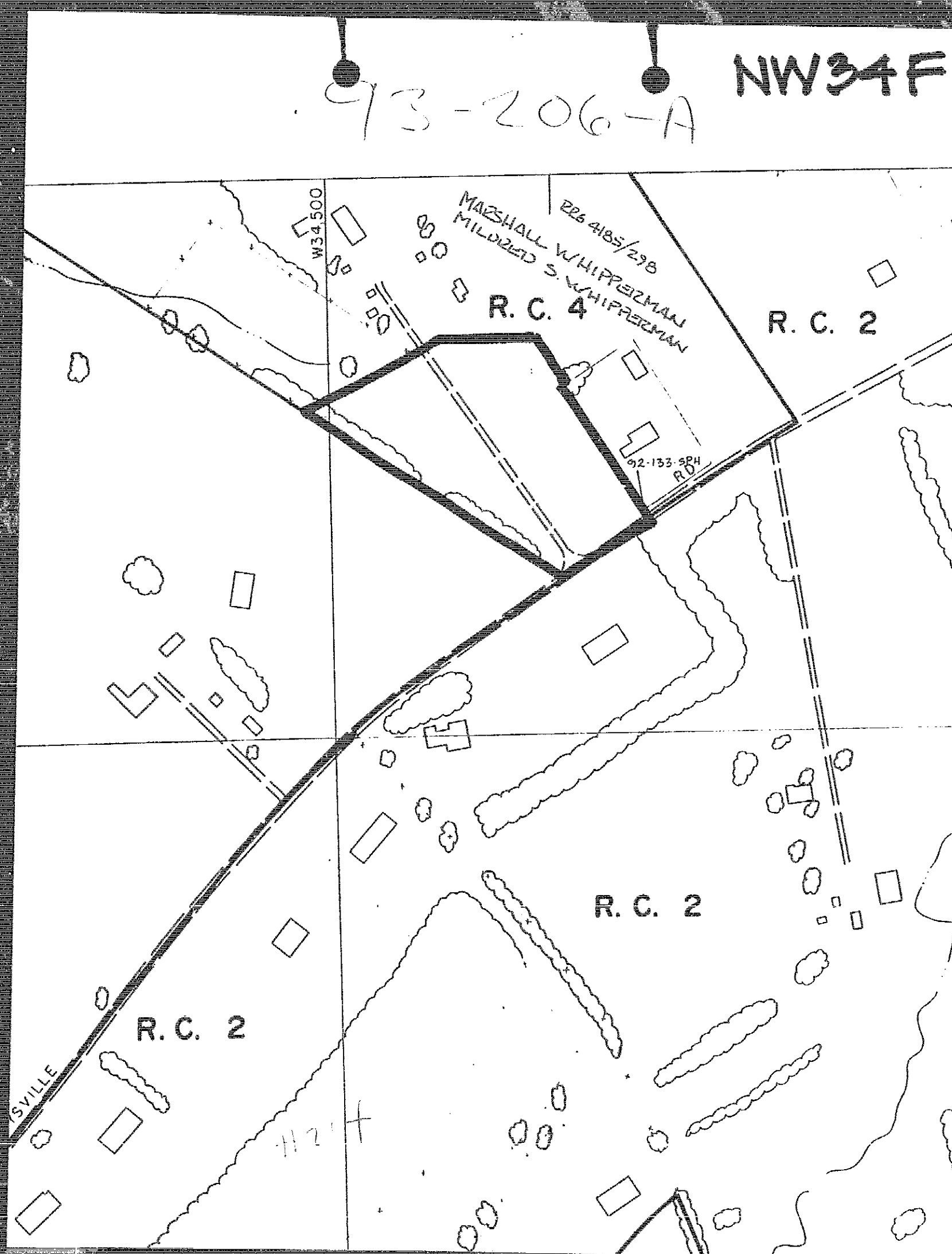
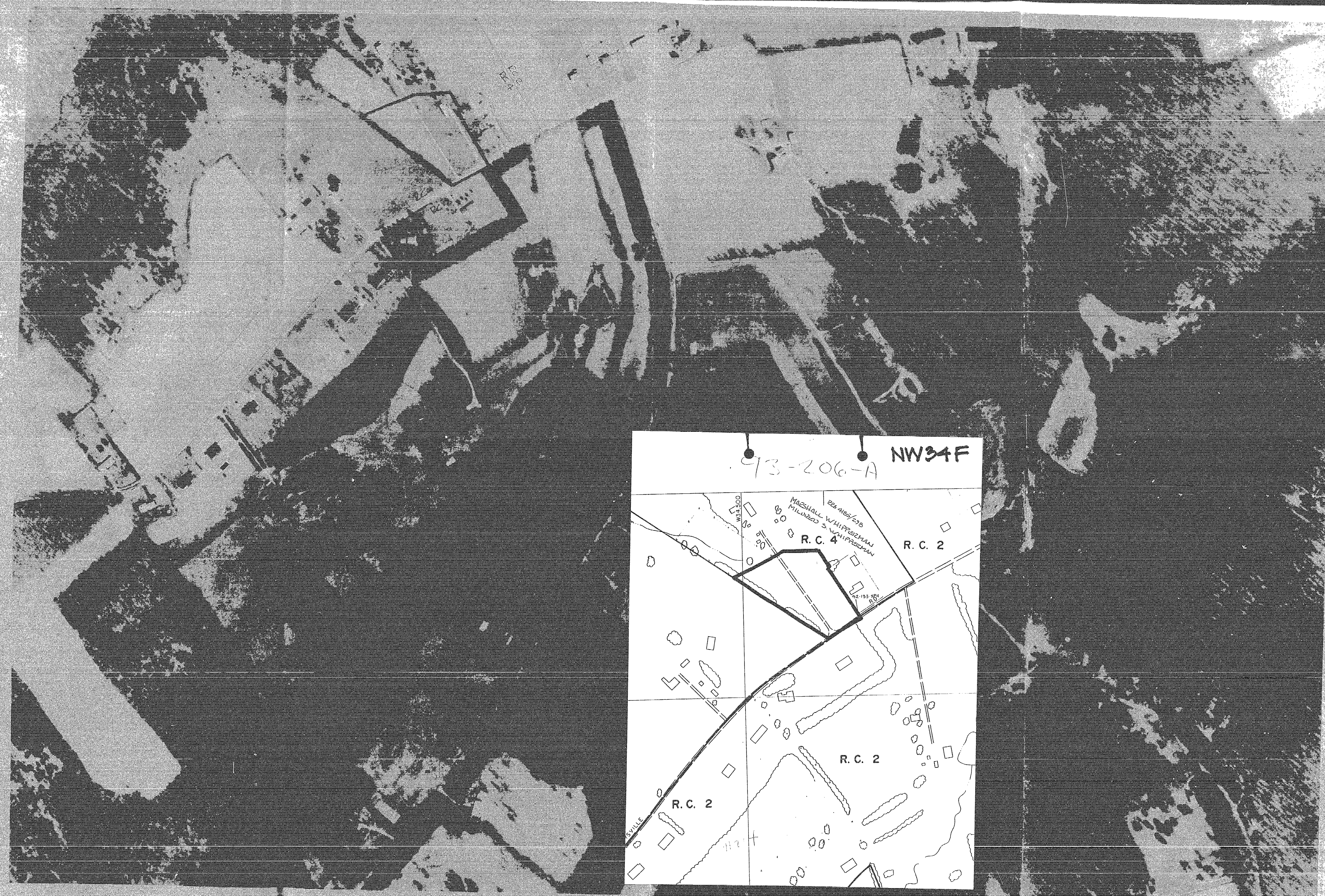
NOTES:

1. CURRENT TITLE REFERENCE: MARSHALL WHIPPERMAN & MILDRED S. WHIPPERMAN R.R.G. 4185 F. 228 TAX ACC. NO. 0623035252
2. CURRENT ZONING: R.C. 4
3. SOLUS MAP: BALTO. CO. SOLUS SURVEY MAP NO. 1 (1982)
4. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTO. CO. 2006 SCALE TOP MAP
5. TOTAL AREA OF PLAT: 31.62 AC±
6. N.W. 34 F
7. NET ACRES: 31.65077 AC± (31.65077 AC±)
8. DENSITY: NO. OF LOTS PROPOSED: 1 (1/2 AC ± 1.524)
9. THIS PROPERTY HAS BEEN HELD INTANT SINCE 1992.
10. SAVE & EXCEPT 1.031 AC± (APRIL 27, 1973)
11. DWELLINGS ARE EXISTING SINGLE FAMILY USE.
12. THERE ARE NO PESTICIDE TANKS OR UNDEVELOPED FUEL TANKS ON THE SITE.
13. THERE IS A RELATIVE RIGHT OF WAY 20 FEET WIDE THROUGH LOT ONE AND CENTERED ON THE EAST LINE OF LOT ONE. THIS RIGHT OF WAY IS RESERVED FOR THE CHANGES ON THE EAST LINE OF LOT ONE. THIS RIGHT OF WAY IS RESERVED FOR THE CHANGES ON LOT ONE AND THE 34.34 AC± ADJ. EXPANSION OF THE ROAD, THERE ARE NO ADJ. LOTS TO BE USED IN THE BASE OF THE ROAD MUST BE
14. THE AREAS BETWEEN THE SHOWN LOTS AND THE BASE OF THE ROAD MUST BE CLEARED SIGNATURE WILL BE REQUIRED IN ORDER TO PREPARE THE EXISTING WIDE YARD SETBACK OF 30 FEET AT THE MODULAR HOME ON LOT 1.
15. EXISTING WIDE YARD SETBACK OF 30 FEET AT THE MODULAR HOME ON LOT 1.
16. EXISTING WIDE YARD SETBACK OF 30 FEET AT THE MODULAR HOME ON LOT 1.
17. EXISTING WIDE YARD SETBACK OF 30 FEET AT THE MODULAR HOME ON LOT 1.
18. EXISTING WIDE YARD SETBACK OF 30 FEET AT THE MODULAR HOME ON LOT 1.
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BECKLEYVILLE RD. (EX. 21: MARSHALL WHIPPERMAN)

WILLIAM E. PFAFF
 MARGARET B. PFAFF
 B.H.K. J. 5822 F. 610
 TAX ACC. NO. 1700001980



93-206-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	SOUTH OF EKLO	N.W.
DATE OF PHOTOGRAPHY JANUARY 1985	#24	34-F